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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/605,442	06/28/2000	Leon R. Barstad	50439-2	5430

21874 7590 07/09/2003

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EXAMINER

NICOLAS, WESLEY A

ART UNIT	PAPER NUMBER
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1742

DATE MAILED: 07/09/2003

19

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/605,442

Applicant(s)

BARSTAD ET AL.

Examiner

Wesley A. Nicolas

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-- Th MAILING DATE of this communication appears on th cover sh et with th corr spondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 124-153 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 124-153 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

This is in response to the Request for reconsideration dated June 27, 2003. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 124-153 are currently pending in this application.

Terminal Disclaimer

1. The terminal disclaimer filed on July 29, 2002 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 09/313,045, has been reviewed and is accepted. The terminal disclaimer has been recorded. As such, there are no double-patenting rejections pertaining to Application No. 09/313,045.

Claim Rejections - 35 USC § 102/103

2. The 35 U.S.C. §§ 102 and 103 rejections as set forth in the previous Office action have been **maintained** and are incorporated herein.

REMARKS - Response to Arguments

3. Applicant's arguments filed June 27, 2003, have been fully considered but they are not persuasive.

Applicant asserts that a Rule 131 Declaration will be sent under another cover at a later date. However, Examiner or the Office is not obligated to wait for such

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correspondence from Applicant. Accordingly this Office action is **FINAL**. Furthermore, since Applicant has not addressed the merits of the 102 rejection as set forth in the previous Office action, it is being maintained and is incorporated herein.

Regarding the 103 rejections, Applicant further asserts that the references teach away from each other because the low-acid system of Landau et al. is incompatible with the high-acid system of Dahms et al. In response, Examiner must respectfully disagree. Examiner is not suggesting to use the electrolyte of Dahms et al. *in toto*, but merely to use one additive, namely 3-mercaptopropane-1-sulfonate. Applicant has provided no evidence, and not even an argument that 3-mercaptopropane-1-sulfonate is incompatible with the bath of Landau et al. Furthermore, Dahms et al. makes reference to lower acid concentrations (see col. 4, lines 5-8 and examples which even suggests not using the strong sulfuric acid) which actually makes it compatible with the "lower acid concentrations" of Landau et al.

In summary, Applicant has not addressed the 35 U.S.C. § 102 rejections and accordingly they have been **maintained**. Applicant's arguments for the 35 U.S.C. § 103 rejections are weak and they have likewise been **maintained**. Furthermore, since Applicant has not responded to Examiner's arguments (see previous Office action pages 8-9) regarding the motivation to use similar bath compositions in both "circuit board" plating and "semiconductor microchip wafer" plating, this appears to be evidence that Applicant has acquiesced to said arguments.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wesley Nicolas whose telephone number is (703)305-0082. The examiner can normally be reached on Mon.-Thurs. from 7am to 5pm.

The Supervisory Primary Examiner for this Art Unit is Roy King whose telephone number is (703) 308-1146.

The fax number for this Group is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0661.


ROY KING
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Wesley A. Nicolas

July 9, 2003